

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2
3 In the Matter of

4 **JOSEPH M. FERRARA, M.D.**

5 Holder of License No. 44443
6 For the Practice of Medicine
 In the State of Arizona.

Case No. MD-13-0237A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT TO THE
SAME**

7 Joseph M. Ferrara, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 44443 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-13-0327A upon receipt of a Board
17 Action Disciplinary Alert Report (DAR) on March 1, 2013 indicating that effective February
18 21, 2013, Dr. Ferrara entered into an Interim Cessation of Practice Agreement with the
19 Colorado Medical Board for providing substandard care during his treatment of three
20 patients and for prescribing excessive amounts of narcotics for the patients' documented
21 injuries or in excess of recommended daily dosages

22 4. Board staff obtained records from the Controlled Substances Prescription
23 Monitoring Program (CSPMP) indicating that Dr. Ferrara prescribed controlled substances
24 to an Arizona patient. Dr. Ferrara provided a copy of the medical records which indicate
25 that he was treating the patient in Colorado.

5. Dr. Ferrara told Board staff that he has no intention of practicing medicine in the future. On May 21, 2013, Dr. Ferrara surrendered his Colorado license.

6. Respondent admits that the surrender of his Colorado license was a disciplinary action based on allegedly unprofessional conduct in Colorado and that such action constitutes unprofessional conduct pursuant to A.R.S. §32-1401(27)(o) (“[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.”)

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

ORDER

IT IS HEREBY ORDERED THAT Respondent immediately surrender License Number 44443, issued to Joseph Ferrara, M.D. for the practice of allopathic medicine in the State of Arizona, and return his wallet card and certificate of licensure to the Board.

1 DATED and effective this 3rd day of OCTOBER, 2013.

2 ARIZONA MEDICAL BOARD

3
4 By: 

5 Lisa S. Wynn
Executive Director

6 **CONSENT TO ENTRY OF ORDER**

7 1. Respondent has read and understands this Consent Agreement and the
8 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
9 acknowledges he has the right to consult with legal counsel regarding this matter.

10 2. Respondent acknowledges and agrees that this Order is entered into freely
11 and voluntarily and that no promise was made or coercion used to induce such entry.

12 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
13 to a hearing or judicial review in state or federal court on the matters alleged, or to
14 challenge this Order in its entirety as issued by the Board, and waives any other cause of
15 action related thereto or arising from said Order.

16 4. The Order is not effective until approved by the Board and signed by its
17 Executive Director.

18 5. All admissions made by Respondent are solely for final disposition of this
19 matter and any subsequent related administrative proceedings or civil litigation involving
20 the Board and Respondent. Therefore, said admissions by Respondent are not intended
21 or made for any other use, such as in the context of another state or federal government
22 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
23 any other state or federal court.

24 6. Upon signing this agreement, and returning this document (or a copy
25 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the

1 entry of the Order. Respondent may not make any modifications to the document. Any
2 modifications to this original document are ineffective and void unless mutually approved
3 by the parties.

4 7. This Order is a public record that will be publicly disseminated as a formal
5 disciplinary action of the Board and will be reported to the National Practitioner's Data
6 Bank and on the Board's web site as a disciplinary action.

7 8. If any part of the Order is later declared void or otherwise unenforceable, the
8 remainder of the Order in its entirety shall remain in force and effect.

9 9. If the Board does not adopt this Order, Respondent will not assert as a
10 defense that the Board's consideration of the Order constitutes bias, prejudice,
11 prejudgment or other similar defense.

12
13 
14 Joseph M. Ferrara, M.D.

Dated: 08/20/2013

15
16 EXECUTED COPY of the foregoing mailed by
17 US Mail this 3rd day of Oct., 2013 to:

18 Joseph M. Ferrara, M.D.
19 Address of Record

20 EXECUTED COPY of the foregoing mailed by
21 US Mail this 3rd day of Oct., 2013 to:

22 ORIGINAL of the foregoing filed this
23 3rd day of Oct., 2013 with:

24 The Arizona Medical Board
25 9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

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Mary Baker
Arizona Medical Board Staff